

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JANE DOE,

Plaintiff,

vs.

SCOTTS BLUFF COUNTRY CLUB, and
MICHAEL KLEIN,

Defendants.

4:20CV3013

ORDER

Defendant Scotts Bluff Country Club (“SBCC”) requests that the place of trial be changed from Lincoln, Nebraska to North Platte, Nebraska. ([Filing No. 17.](#)) SBCC argues that North Platte is the appropriate location for trial because the events underlying this suit occurred in Scottsbluff, Nebraska, which is closer to North Platte than Lincoln. SBCC argues trial in North Platte would be more convenient for parties and witnesses because most witnesses are in or near Scottsbluff.

When deciding the place of trial, “a judge considers the convenience of the litigants, witnesses, and attorneys.” [*Ury v. Union Pacific Railroad Company, No. 8:10CV116, 2010 WL 1957272, *2 \(D. Neb. May 14, 2010\)*](#) (quoting NECivR 40.1(b)(1)). The party seeking to change the place of trial bears the burden of establishing that the transfer should be granted. [*Id.*](#) “The plaintiff’s choice of forum is given great weight and should not be disturbed unless the movant makes a clear showing that the balance of interests weighs in favor of the movant.” [*Aumann Auctions, Inc. v. Phillips, No. 8:07CV431, 2008 WL 687056, at *2 \(D. Neb. Mar. 10, 2008\)*](#). “A transfer should not be granted if the effect is to merely shift the inconvenience from one party to the other.” [*Ury, 2010 WL 1957272, at *2.*](#)

Having considered the convenience of the litigants, witnesses, and attorneys, the Court finds trial should occur in Lincoln. Plaintiff, a Colorado resident, made the decision to file suit in Lincoln. Her choice of forum is entitled to great weight. Also, ease of travel supports trial in Lincoln. Lincoln is far more accessible to air-travel which would make travel easier for both Plaintiff and her attorneys, who are in Wyoming and Missouri. Moreover, according to Plaintiff, Defendant Michael Klein (“Klein”) is presently an inmate at the Nebraska State Penitentiary in

Lincoln. Although some witnesses may be closer to Scottsbluff, it is unclear at this point who the witnesses will be. SBCC has not specifically identified any witnesses who remain in the Scottsbluff area who will testify at trial. Therefore, the Court concludes that the balance of the interests does not support changing the place of trial to North Platte. It seems transferring this case to North Platte would merely shift the inconvenience from one party to another.

Accordingly,

IT IS ORDERED that SBCC's Motion Requesting Place of Trial ([Filing No. 17](#)) is denied.

Dated this 13th day of May, 2020.

BY THE COURT:

s/ Susan M. Bazis
United States Magistrate Judge